

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would state that in 1995, Congress learned of an assault on charitable giving that was being waged in a class action lawsuit underway in the Federal court in Texas. The defendants in the case, a collection of charitable organizations which included the Lutheran Church, the United Way, and Northwestern University, stood accused of violating the antitrust laws by agreeing to use the same annuity rate when is offering donors charitable gift annuities.

Charitable gift annuities are a vehicle for charitable giving. The donor gives a charitable organization a sum of money. In return, the donor receives a charitable deduction and the agreement of the donee to pay back a fixed income for life. Depending on the annuity rate used, the value of the life income in relation to the total donation fluctuates, as does the amount of the charitable deduction.

Finding that there were strong public policy reasons to protect charitable organizations from antitrust suits in this context, the 104th Congress enacted the Charitable Gift Annuity Antitrust Relief Act of 1995. That act specifies that it is not a violation of the antitrust laws for section 501(c)(3) organizations to agree to use the same annuity rate when issuing charitable gift annuities. The bill was unanimously approved in the House by a vote of 427 to 0; the Senate passed the House bill by voice vote. The expectation was that the act would lead to the dismissal of the class action suit and an end to the Texas case.

Alas, this has not been the result. When the 1995 act was asserted as a defense in the case, the judge denied the motion to dismiss, citing new allegations and issues of fact which were allegedly raised under the act. The Court's rulings make it clear that in order to achieve the goal we originally intended, that is, to protect this kind of charitable fundraising from the antitrust laws, we must act again. Two issues in particular must be clarified: that all activity related to the issuance of a charitable gift annuity is protected, and that the Internal Revenue Service, not the district court, is the arbiter of whether a particular annuity meets the criteria of a charitable gift annuity.

□ 1215

The bill before us today, the Charitable Donation Antitrust Immunity

Act of 1997, amends the 1995 act for that purpose. H.R. 1902 provides antitrust protection for charitable gift annuities and charitable remainder trusts, and grants immunity from antitrust suit to any person involved in issuing or selling those annuities or trusts. It establishes a conclusive presumption that a particular instrument is a charitable gift annuity or charitable remainder trust if the donor has treated it as one in filings with the Internal Revenue Service, or if the donee has treated it as one in documents provided to the donor. However, the conclusive presumption would not be available if the Internal Revenue Service has made a final determination that the annuity or trust was not qualified under the revenue laws.

H.R. 1902 is a bipartisan effort to re-draft legislation to ensure that the courts will interpret the law in a manner consistent with congressional intent. The gentleman from Michigan [Mr. CONYERS], the ranking member, and I have worked closely on this legislation to ensure that the exemption is drawn as narrowly as possible while still achieving our goal. A companion bill has been introduced in the Senate by Senators COVERDELL, DODD, and DEWINE, and I anticipate it will receive swift consideration in that body. I also should mention the Antitrust Division of the Department of Justice has indicated they have no objection to the new language.

Mr. Speaker, in these days of fiscal conservatism we are asking our communities to do more and more. With the help of charitable organizations, we stretch our government dollars to feed more hungry people, build homes for the poor, and care for the less fortunate. Every dollar raised by these organizations is needed to help in the mission of the charity. By enacting H.R. 1902, we are making sure that these scarce resources are not used to pay lawyers to defend a lawsuit that Congress has deemed meritless, but instead to contribute to the strength of our communities.

Mr. CONYERS. Mr. Speaker, as the Members of this House well know I am a strong supporter of vigorous enforcement of the antitrust laws, and as a general matter I do not favor any exemptions or exclusions from the antitrust laws or legislation which would impact pending cases.

However, when it comes to beneficial cooperative activity by charities I believe there is no legitimate role for the antitrust laws. This is why when I learned last year that a group of plaintiffs had brought an unfounded antitrust action against a large number of charities who had agreed to use a common formula in offering gift annuities, I cosponsored with Chairman HYDE H.R. 2525. That legislation granted an antitrust immunity for charities offering gift annuities and eventually passed the Congress unanimously and was signed into law by the President.

Unfortunately, subsequent to the law's enactment, the plaintiffs amended their complaint to allege that the charities' accountants and lawyers had also participated in the anti-

trust conspiracy and charged that the charities' tax exempt status was fraudulent. Despite Congress' clear intent, rather than throw these frivolous allegations out, the courts have continued to allow the case to proceed, allowing the parties to engage in discovery. As a result, the charities continue to face the risk of billions of dollars in damages and millions of dollars in legal fees.

This bill would strengthen last year's law to clarify that actions by professionals associated with charitable gift annuities are not subject to the antitrust laws, and create a conclusive presumption of coverage to entities treated as charities by the IRS. This should end the wasteful litigation and allow the charities to focus their resources on better serving our communities.

This law is narrowly crafted and specific. It will do no damage to the letter or spirit of our antitrust laws. The language has been carefully reviewed by the Justice Department and they have voiced no objections to the bill. I urge the Members to join me in supporting this important legislation.

Mr. FRANK of Massachusetts. Mr. Speaker, I believe that the distinguished chairman has explained this quite adequately.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore [Mr. PETRI]. The question is on the motion offered by the gentleman from Illinois [Mr. HYDE] that the House suspend the rules and pass the bill, H.R. 1902.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VETERANS' CEMETERY PROTECTION ACT OF 1997

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1532) to amend title 18, United States Code, to create criminal penalties for theft and willful vandalism at national cemeteries, as amended.

The Clerk read as follows:

H.R. 1532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Cemetery Protection Act of 1997".

SEC. 2. SENTENCING FOR VANDALISM AT NATIONAL CEMETERIES.

(a) *General Rule.*—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the sentencing guidelines to provide a sentencing enhancement for any offense against any property of a national cemetery—

(1) by at least 4 levels if the offense involves the willful injury to or depredation against such property, and

(2) by at least 6 levels if the offense involves the knowing theft, conversion, or unlawful sale or disposition of such property.

(b) *COMMISSION DUTY.*—In carrying out subsection (a), the Sentencing Commission shall ensure that the sentences, guidelines, and

policy statements for offenders convicted of offenses described in subsection (a) are appropriately severe and reasonably consistent with other relevant directives and with other guidelines.

(c) DEFINITION.—For the purposes of this section, the term “national cemetery” means a cemetery in the National Cemetery System established under section 2400 of title 38 and a cemetery under the jurisdiction of the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or the Secretary of the Interior.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. HYDE] and the gentleman from Massachusetts [Mr. FRANK] each will control 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, the goal of H.R. 1532, the Veterans' Cemetery Protection Act, is one which I wholeheartedly support, sending a strong message to criminals who would desecrate or destroy property at a national cemetery, that the United States will not tolerate such disrespect of its veterans. Such cowardly crimes can only be performed by people who choose to ignore the sacrifices of those men and women who have served proudly and bravely in the U.S. Armed Forces.

As originally introduced by the gentleman from California [Mr. CALVERT], H.R. 1532 created a new Federal crime of vandalism and theft at a national cemetery. The Committee on the Judiciary adopted an amendment which instructs the Sentencing Commission to review and amend its guidelines to provide a sentencing enhancement for any offense against property of a national cemetery. Under this approach, vandals who destroy national cemetery property will still receive the strong, swift punishment they deserve.

This issue strikes a national nerve, and I am grateful to the gentleman from California [Mr. CALVERT] for his dedication and concern for our veterans. He introduced H.R. 1532 on May 6, 1997, only 1½ months ago, and today his bill has nearly 250 cosponsors. The gentleman from Hawaii [Mr. ABERCROMBIE] has also been actively supporting this legislation.

The bill, as amended, directs the Sentencing Commission to increase a sentence by at least four levels if property of a national cemetery is injured or defaced, and by at least six levels if such property is stolen or unlawfully sold. Criminals will still be charged and convicted under the existing sections of the criminal code. However, in the case of theft or damage of property at a national cemetery, the Sentencing Commission will ensure that those persons are punished more severely than if the damage was to less significant and sacred Federal property.

I believe this approach is the most effective way to express Congress's dis-

gust with vandals and thieves who have no regard for the sacrifices made by this country's veterans. Many of our veterans gave their lives to protect our cherished freedoms, and when their grave sites are desecrated by foul words and pictures and graffiti, it offends the dignity and sense of honor shared by all Americans.

In a speech called “Vision of War” given in Indianapolis in 1876, Robert Green Ingersoll eloquently honored our veterans when he said:

These heroes are dead. They died for liberty; they died for us. They are at rest. They sleep in a land they made free, under the flag they rendered stainless, under the solemn pines, the tearful willows, the embracing vines. They sleep beneath the shadows of the clouds, each in a windowless palace of rest. Earth may run red with other wars; they are at peace. In the midst of battles, in the roar of conflict, they found the serenity of death.

Mr. Speaker, when our national cemeteries are desecrated and destroyed, the peace that our veterans, their spouses, children, and friends so richly deserve, is disturbed. We honor our Nation's heroes today by passing this legislation which underscores our intolerance of damage and theft at our national cemeteries.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the desecration of graves is a particularly despicable act. It clearly bespeaks simply malice. No one can ever claim any necessity. No one can ever claim to be driven by circumstances to do so vicious a thing. The harm it does to survivors is intolerable. I think it is entirely appropriate that we express our desire that the sentences be increased. I concur with this piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California [Mr. CALVERT].

Mr. CALVERT. Mr. Speaker, I want to thank the gentleman from Illinois [Mr. HYDE], the chairman, for the good work in moving this important bill forward.

Mr. Speaker, I rise today with the gentleman from Hawaii [Mr. ABERCROMBIE] in support of the Veterans' Cemetery Protection Act. I would like to thank the gentleman from Florida [Mr. MCCOLLUM], chairman of the Subcommittee on Crime, for moving this bill forward, and again certainly the gentleman from Illinois [Mr. HYDE] for their help and guidance in getting this bill to the floor so quickly. I particularly want to thank the Committee on the Judiciary for the perfecting amendment at the subcommittee markup.

Mr. Speaker, whenever a young man or woman decides to enter the military, they do so voluntarily, in order to protect our country and guard us against the uncertainties of the world. Sometimes they make the ultimate sacrifice. Over 1 million Americans

have died fighting this country's wars. That is why it sickens me when I hear of degenerates desecrating our national cemeteries.

In June 1996, Riverside National Cemetery, the second largest in the Nation next to Arlington, fell prey to a thief who stole bronze markers from 128 graves, who later sold them for a profit. Horribly, this theft was discovered on Father's Day by family members who had come to pay their respects. On April 19, vandals spray-painted racist and profane words on cemetery walls at the National Memorial Cemetery of the Pacific in Hawaii, located inside the district of the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. Speaker, enough is enough. The Veterans' Cemetery Protection Act would stiffen criminal penalties for theft and malicious vandalism at national cemeteries.

H.R. 1532 will require the U.S. Sentencing Commission to review and amend the sentencing guidelines to enhance penalties resulting from national cemetery desecrations and theft. The bill increases by four levels the punishment levied by a judge if the offense involves the willful injury or depredation against a national cemetery. It also increases by six levels the punishment levied by a judge if the offense involves the knowing theft, conversion, or unlawful sale or disposition of national cemetery property. Judges will continue to have the discretion of applying fines up to \$250,000 in such cases.

H.R. 1532 seeks to protect the 114 VA national cemeteries, along with other cemeteries under the jurisdiction of the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force and the Secretary of the Interior.

Joseph Frank, national commander of the American Legion, stated,

Deliberate acts of vandalism against the final resting place of America's fallen comrades must not be tolerated. According to the Paralyzed Veterans of America News, Demeaning and degrading the final resting place of veterans who made the ultimate sacrifice for the Nation and their loved ones strikes at all veterans and all Americans.

This bill addresses their concerns. The Veterans' Cemetery Protection Act has received the endorsement and support of numerous veterans and military organizations. I wish to recognize and thank the men and women of the Non-Commissioned Officers Association of the United States of America, the Paralyzed Veterans of America, the American Legion, the Fleet Reserve Association, the Enlisted Association of the National Guard, the Veterans of Foreign Wars, the Disabled American Veterans, the Blinded Veterans Association, AM-VETS and others who have expressed their support for this legislation. Let there be no doubt, this is Congress' gift to them.

I also wish to thank over 250 Members of Congress who cosponsored this bill. Being so close to Independence Day, I invite my colleagues to support

passage of the Veterans' Cemetery Protection Act as a small gift to our Nation's veterans.

Again, I would like to thank the gentleman from Hawaii [Mr. ABERCROMBIE] for moving this bill forward and getting it done before Independence Day.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 8 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, before I make my remarks, I would like to extend my gratitude to the gentleman from California [Mr. CALVERT]. I have had the pleasure of working with him in the Subcommittee on Energy and Mineral Resources of the Committee on Resources where he was the chair and I was the ranking member on that committee. We got to know each other very well, able to understand our problems and work to solve them in a mutual fashion. It turns out by sad coincidence that we had a mutual interest in the Veterans' Cemetery Protection Act.

Mr. Speaker, I will relate to Members in the course of my remarks the circumstances that took place at Punchbowl and elsewhere out in the Hawaiian Islands with respect to the desecration of our cemeteries there. It was with an equal degree of sadness that I learned that the gentleman from California [Mr. CALVERT] had experienced similar problems and difficulties in Riverside and we found out that this was in fact a nationwide problem. With his usual regard for acting quickly on matters, the gentleman from California [Mr. CALVERT] and I were able to put together this bill and receive the kind and prompt attention of the gentleman from Illinois [Mr. HYDE] in the Committee on the Judiciary. I am sure I am speaking for the gentleman from California [Mr. CALVERT] and myself in expressing not only our personal regard to the gentleman from Illinois [Mr. HYDE], but with respect to this particular legislation, the promptness with which the gentleman and his staff dealt with this particular bill is something to be admired and we are very, very grateful to him.

I want to thank the gentleman from Florida [Mr. MCCOLLUM] as well for making a significant contribution in improving the bill. I am sure that the gentleman from California [Mr. CALVERT] agrees with me that the amendments that were put in during committee have been very, very beneficial to the bill.

□ 1230

I want to thank the gentleman from Arizona [Mr. STUMP] for his interest right from the very, very beginning, obviously with his background and experience in the Committee on Veterans' Affairs; nonetheless, his approval of and support for the bill has been very valuable in moving it forward to this point. I want to thank the gentleman from Massachusetts [Mr. FRANK] for his interest in the bill.

Obviously, Mr. Speaker, my colleagues can tell from the list of individuals that I have spoken about today that this is a nonpartisan bill. It has nothing to do with political parties; it has everything to do with our regard for the United States of America and the symbolic importance of what is involved in the Veterans' Cemetery Protection Act.

Mr. Speaker, today then I rise to voice my strong support for H.R. 1532, the Veterans' Cemetery Protection Act of 1997 which I am introducing, as I indicated, along with my colleague from California [Mr. CALVERT]. This bill instructs the U.S. Sentencing Commission to significantly increase the criminal penalties for theft and wilful vandalism at national cemeteries. The penalties under this bill are clear and would send an unmistakable message to those who chose to desecrate the final resting place of our veterans.

In a national cemetery anyone convicted of vandalism that causes a damage of less than \$1,000 can be fined and serve a maximum prison term of 1 year. Anyone convicted of vandalism that exceeds \$1,000 can receive penalties of a maximum 10-year prison term and a fine. In addition, anyone convicted of hiding, stealing or selling national cemetery property could be sentenced to a maximum 15-year prison term and corresponding fine.

Mr. Speaker, I know for some Members this may be almost the first time they are hearing this kind of discussion. It may sound to them almost impossible that anyone would be hiding, stealing or selling national cemetery property, but unfortunately this is a fact of contemporary life. The time to act on this legislation therefore is now. How many more times do we want to open the newspaper, listen to a radio account, or watch the evening news and learn of another act of shocking desecration occurring at one of our national cemeteries?

Let me recount the most recent examples for my colleagues. In 1994, a grave was opened at Ball's Bluff National Cemetery, and the remains of the soldier were scattered about presumably by a relic hunter.

In 1996, Riverside National Cemetery, as the gentleman from California [Mr. CALVERT] indicated, the second largest national cemetery in the Nation, was vandalized by a person or persons who stole engraved bronze markers from 128 graves. A few months before, thieves stole over 500 markers from a storage facility at the cemetery. They attempted to sell the markers to a recycling plant for financial gain.

Finally, the most recent act of wilful vandalism, which occurred in Hawaii and New Jersey. On April 19, 1997 seven Oahu cemeteries, including the Hawaii Veterans' Cemetery in Kaneohe and the National Memorial Cemetery of the Pacific at Punchbowl were vandalized. Racist and profane words were spray-painted on grave markers, cemetery walls and even on the chapel of the Na-

tional Memorial Cemetery. These acts were an insult to the people buried there, their families and the entire Hawaii community. I feel deeply for the relatives who are still experiencing the pain caused by this outrage.

Mr. Speaker, I can scarcely get across today in words the anguish that people felt when viewing the circumstances of the vandalism at Punchbowl and elsewhere. What still gives one faith in the human spirit to triumph over tragedy is the pure unselfishness of the State and local government, veterans groups and community individuals who stepped up to the task of repairing the damage. Currently the estimated costs of repairing and cleaning up these cemeteries is between \$20,000 and \$25,000.

Almost immediately Governor Benjamin Cayetano pledged to mobilize veterans, active duty U.S. military, the Hawaii National Guard and youth groups like the Hawaii Youth Challenge. He asked Maj. Gen. Edward Richardson, the State Adjutant General, and Walter Ozawa, Veterans Services Director, to work with Adm. Joseph Prueher, the Pacific Commander in Chief, to enlist help in the joint cleanup effort.

The human spirit was renewed by the efforts of the Paralyzed Veterans of America, whose president, Ken Huber, called the desecration of the national cemetery an unconscionable act and affront to all the men and women in the Armed Services. The Paralyzed Veterans notified Secretary of Veterans Affairs Jesse Brown that on behalf of the PVA members and in recognition of the sacrifices of all veterans the PVA would cover the cost of repairing and restoring the national cemetery. Other local Hawaii veterans groups posted reward moneys for information leading to the apprehension and conviction of these vandals.

The spirit was further renewed by the actions of individuals, more than 700 of whom signed up to help at Punchbowl Cemetery. Because of the expertise and harmful chemicals required for most of the cleanup, only a handful could be used at any one time. But that did not stop Vi DeCaires from working to clean a grave, scrubbing the granite marker with a toothbrush. She said the people buried here have given so much to us. I just wanted to give back.

Dorothy Tamashiro volunteered because her husband Harold is buried at Punchbowl. He was a member of the World War II 100th Infantry Battalion. According to Dorothy, "when I saw the news I started to cry. So when the phone number came up on the screen I volunteered."

Then there was Lilla LeVine, who worked to clean the grave of Army Sgt. Maj. Earl R. Davidson, a veteran of World War II, Korea, and Vietnam. "How sad to think he did all this and this would happen to him," she said. "He is a person, not just a stone." "He is a person, not just a stone. He had a life and a family and he fought for his

country through three wars. I hope he knows we are taking care of this as much as we can."

And most recently, on May 18, vandalism estimated at \$10,000 darkened the sky of the 133-year-old Beverly, New Jersey National Cemetery where Veterans of Foreign War posts from throughout the State have come together on each Memorial Day for 52 years. Vandals tore down flagpoles, pulled memorial benches from their cement foundations and ruined the entrance garden. Here again veterans groups have posted reward moneys for information leading to the apprehension of the vandals as well as money to repair the damages to the cemetery.

I am pleased to inform my colleagues on both sides of the aisle that because of the efforts of a number of individuals and groups, the last of the hate messages and graffiti was removed just prior to Memorial Day at Punchbowl with the help of the \$21,000 donated thus far to the cleanup. Vandals can never "tarnish what our heroes have left us," Honolulu Mayor Jeremy Harris said during the Memorial Day ceremony.

Today we are responding to the call to keep our heroes untarnished with the introduction of this act. Our Constitution provides many freedoms and rights. It does not provide us the right to physically destroy what is not ours, even if it is to send a message. With rights come responsibilities, and it is our responsibility today as Members of Congress to ensure the right to be laid to rest in hallowed ground, like those men and women who have made the ultimate sacrifice for our Nation, is not compromised or profaned.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume before yielding to the gentleman from Arizona [Mr. STUMP] simply to say that while we are on the subject of the Punchbowl Cemetery, which is one of the most beautiful places in the world, it seems to me we ought to have at the grave sites crucifixes and Stars of David and other appropriate markers. They have a flat marker on the ground, and if one stands there and look, they would not know it was a cemetery because they cannot see the graves. One has to walk up and look at each marker.

Mr. Speaker, if we go to Normandy or we go out here to Arlington, we know that we are in a very special place and the emotions that are reached by looking at the proper grave markers; I think the people buried at Punchbowl ought to have those too.

Mr. Speaker, I look forward to the day when whoever is in charge of that agrees with me, and instead of flat, unseeable grave stones we will see either a cross or a Star of David or whatever is appropriate.

Mr. ABERCROMBIE. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I would certainly take that issue up with

Mr. Gene Castenetti, who is the director at Punchbowl, and would be delighted to work with you and the gentleman from Arizona [Mr. STUMP] and anyone else who is interested in seeing to it that we might make those kinds of improvements.

Mr. HYDE. I hope more than I am interested in that because the impact, the emotional impact on seeing it at Normandy or in Arlington is powerful, and it ought to be reproduced, in my opinion, in Punchbowl.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Arizona [Mr. STUMP].

(Mr. STUMP asked and was given permission to revise and extend his remarks.)

Mr. STUMP. Mr. Speaker, I rise in strong support of H.R. 1532, the Veterans Vandalism Act of 1997.

At the end of the 50th anniversary celebration of World War II, I had the privilege of visiting this cemetery along with the gentleman from Illinois [Mr. HYDE] and the gentleman from Hawaii [Mr. ABERCROMBIE], and it truly is one of the most beautiful in our system, and I would like to associate myself with the remarks he made as far as proper markings on these headstones.

This cemetery is the final resting place for more than 39,000 members of our armed services and their families. The cemetery also has a wall inscribed with the names of more than 28,000 servicemen, both men and women, who are missing in action, lost, or buried at sea during World War II, the Korean war, and the Vietnam war.

Mr. Speaker, these veterans' cemeteries are national shrines. The appalling acts of one of America's most significant cemeteries in Hawaii defies comprehension. Surviving members of the families and the other 5 million annual visitors should not be subjected to such disrespectful acts.

I would like to especially thank the gentleman from Illinois [Mr. HYDE], chairman of the committee, for bringing this bill to the floor and all of his work, the gentleman from California [Mr. CALVERT] for introducing the bill, and also to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. CANADY of Florida. Mr. Speaker, I rise today in support of the Veterans' Cemeteries Protection Act of 1997.

I was deeply concerned when I learned that vandals had cruelly defaced the graves of our Nation's fallen heroes in five veterans' cemeteries in Hawaii. These were despicable acts of cowardice that desecrated the memory of great Americans who gave their lives for our country.

The most severe damage was done to the National Memorial Cemetery of the Pacific, where hundreds of men and women who lost their lives in the bombing of Pearl Harbor were laid to rest. A group of vandals scrawled messages in red paint on hundreds of tombstones and walls in five separate cemeteries. We must send a message that this type of behavior cannot be tolerated.

Mr. Speaker, today I urge my colleagues to support the Veterans' Cemeteries Protection

Act, which would create specific criminal penalties for acts of vandalism at national cemeteries.

It is only because of the sacrifice of American's veterans that we enjoy the blessings of liberty today. It is now our duty to honor their memory by swiftly and severely punishing those who deface their graves.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Illinois [Mr. HYDE] that the House suspend the rules and pass the bill, H.R. 1532, as amended.

The question was taken.

Mr. DICKS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NEED-BASED EDUCATIONAL AID ANTITRUST PROTECTION ACT OF 1997

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1866) to continue favorable treatment for need-based educational aid under the antitrust laws.

The Clerk read as follows:

H.R. 1866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Need-Based Educational Aid Antitrust Protection Act of 1997".

SEC. 2. CONTINUATION OF FAVORABLE TREATMENT FOR NEED-BASED EDUCATIONAL AID UNDER THE ANTITRUST LAWS.

(a) AMENDMENTS.—Section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is amended—

(1) in the heading of subsection (a) by striking "TEMPORARY";

(2) by striking subsection (d), and

(3) by redesignating subsection (e) as subsection (d).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect immediately before September 30, 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. SMITH] and the gentleman from Massachusetts [Mr. FRANK] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SMITH].

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?